

Notice of Allowability

Application No.

10/784,771

Examiner

Juan D. Valentin II

Applicant(s)

REINHORN, SILVIU

Art Unit

2877

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Supplemental Amendment Filed 10/30/2006.
2. ☒ The allowed claim(s) is/are 5,6,8-11,13,15,16,18,20-22 and 24-30.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

Terminal Disclaimer

1. The terminal disclaimer filed on 10/31/2006 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of 7,079,586 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Allowable Subject Matter

2. Claims 5-6, 8-11, 13, 15-16, 18, 20-22, 24-30 are allowed over prior art of record.

The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 5, the prior art fails to disclose or make obvious "the detector receives the scattered light, as dark field detection, through a portion of the objective lens corresponding to an inner part of the annular beam, the detector simultaneously receives light reflected from the target, as bright field detection, through a portion of the objective lens corresponding to an outer part of the annular beam" and in combination with the other recited limitations of claim 5.

Regarding claim 6, the prior art fails to disclose or make obvious "the detector receives the scattered light, as dark field detection, through a portion of the objective lens corresponding to an inner part of the annular beam, the detector simultaneously receives light reflected from the target, as bright field detection, through a portion of the objective lens corresponding to an outer part of the annular beam" and in combination with the other recited limitations of claim 6.

Regarding claim 8, the prior art fails to disclose or make obvious "wherein the detector is a multiple line CCD camera, and wherein each of the multiple annular beams is imaged on a

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separate one of the lines of multiple line CCD camera” and in combination with the other recited limitations of claim 8.

Regarding claim 9, the prior art fails to disclose or make obvious “wherein the detector includes a multiple line CCD camera, and wherein each of the multiple annular beams is received on a separate one of the lines of multiple line CCD camera” and in combination with the other recited limitations of claim 9. Claims 10-11 are allowed by virtue of dependency on the allowed claim 9.

Regarding claim 13, the prior art fails to disclose or make obvious “further comprising a beam splitter operating on said beam to produce at least one additional beam, wherein said scanner scans the additional beam in a direction not perpendicular to the target movement direction, and wherein the beam splitter produces the additional beam with a diffractive optical element uniform diffraction efficiency” and in combination with the other recited limitations of claim 13.

Regarding claim 15, the prior art fails to disclose or make obvious “further comprising a bright field channel detector including a multiple line CCD camera, and wherein each of the plurality of beams is received on a separate one of the lines of the multiple line CCD camera” and in combination with the other recited limitations of claim 15.

Regarding claim 16, the prior art fails to disclose or make obvious “optics for focusing the plurality of beams at a target and directing captured light to a detector through the confocal optical arrangement, and further comprising a plurality of light detection elements, each corresponding to one of said plurality of beams” and in combination with the other recited limitations of claim 16.

Regarding claim 18, the prior art fails to disclose or make obvious “wherein the bright field channel detector includes a multiple line CCD camera, and wherein each of the multiple beams is received on a separate one of the lines of the multiple line CCD camera, a second beam splitter optically disposed between the imaging lens and the bright field channel detector and the light from the imaging lens deflected by the second beam splitter being focused on a dark field channel detector” combination with the other recited limitations of claim 18.

Regarding claim 20, the prior art fails to disclose or make obvious “an other beam splitter optically disposed between the imaging lens and the bright field channel detector, and the light from the imaging lens deflected by the other beam splitter being focused on a dark field channel detector” and in combination with the other recited limitations of claim 21. Claim 21 is allowed by virtue of dependency on the allowed claim 20.

Regarding claim 22, the prior art fails to disclose or make obvious “the light received by the scanner includes multiple beams provided by the multiple beam splitter, and the light scanned by the scanner includes multiple scanned beams, the second beam splitter provides part of the collected light through an imaging lens to a bright field channel detector” and in combination with the other recited limitations of claim 22. Claims 23-20 are allowed by virtue of dependency on the allowed claim 22.

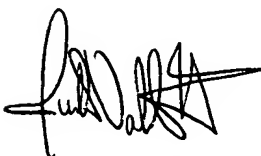
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Juan D. Valentin II whose telephone number is (571) 272-2433. The examiner can normally be reached on Mon.-Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory J. Toatley, Jr. can be reached on (571) 272-2800 ext. 77. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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